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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,592	03/27/2006	Frank Bosse	P71108US0	9445
136	7590	10/04/2006	EXAMINER	
JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004			LEYSON, JOSEPH S	
		ART UNIT	PAPER NUMBER	
			1722	

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/573,592	BOSSE, FRANK
	Examiner	Art Unit
	Joseph Leyson	1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1)  Responsive to communication(s) filed on 10 May 2006.
- 2a)  This action is FINAL.                            2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4)  Claim(s) 1-10 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-10 is/are rejected.
- 7)  Claim(s) 4 is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some \* c)  None of:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>05/10/06</u>	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Specification***

1. The abstract of the disclosure is objected to because it contains legal phraseology(i.e., "said" and "means") which should NOT be included therein. Correction is required. See MPEP § 608.01(b).
2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

3. The disclosure is objected to because of the following informalities:

the disclosure (i.e., pp. 1, 6) should not refer to the claims because claim content can change during the prosecution thereof; and

the correspondence between the disclosure and the figures is replete with errors (i.e., arrow 19, roller groups 17, and elements 21c, 33b, 24b, etc.).

Appropriate correction is required.

#### ***Information Disclosure Statement***

4. The information disclosure statement filed May 10, 2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document. Therefore, the references crossed out on the Form PTO-1449 did not have a copy and were not considered.

#### ***Claim Objections***

5. Claim 4 is objected to because of the following informalities: in claim 4, line 6, --or-- should be inserted after "coupling" for proper idiomatic language. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite as to its metes and bounds. Claim 1 recites lay-flat equipment for installations which include at least one roller. However, as understood

from the disclosure, the lay-flat equipment includes the roller. The examiner suggests that claim 1 be rewritten such as Blown film extrusion installation comprising lay-flat equipment, the lay-flat equipment including at least one roller, etc. Claim 1, second to the last line, recites "transfer devices" which should be changed to --the transfer devices-- for antecedent basis clarity. Claim 1, last line, recites "the devices for providing a torque" which lacks antecedent basis and should be changed to --the means for providing a torque--.

Claim 4 recites "characteristics" which is indefinite as to its metes and bounds.

Claim 5 recites "the force-fit connection" which lacks antecedent basis making it unclear to what it refers. The examiner suggest changing the dependency to be from claim 3.

Claim 6 recites "the force-fit connection" which lacks antecedent basis making it unclear to what it refers. The examiner suggest changing the dependency to be from claim 3.

The boxes for indenting, in the instant claims, should be deleted for clarity.

#### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 3-5, 7 and 9 are rejected under 35 U.S.C. 102 (a) or (b) as being anticipated by WO 03/016023.

WO 03/016023 teaches lay-flat equipment for films or tubular films extruded by blown film extrusion installations, said installation comprising at least one roller 16, which guides the walls of the film or of the tubular film, wherein the lay-flat equipment comprises at least one braking device for influencing the rotational speed of the roller 16, said device comprising means B for providing a torque which can be transferred onto the roller 16 by means of transfer devices B, characterized in that the transfer devices allow a slip between the roller 16 and the devices for providing a torque, comprise a location at which the torque is transferred using a force-fit connection with hydraulic or friction coupling or magnet (i.e., pp.1-4), wherein there are several transfer devices B (i.e., fig. 2), and wherein the transfer device transfers torque to several rollers (i.e., fig. 3).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1, 3, 4, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over either WO 03/016023 or Sensen et al. (U.S. Patent 5,912,022) in view of Zulauf (U.S. Patent 3,557,925).

If applicant does not agree that WO 03/016023 discloses the transfer devices, then WO 03/016023 discloses the apparatus substantially as claimed, as mentioned above.

Sensen et al. (U.S. Patent 5,912,022) discloses an installation (i.e., fig. 1) with lay-flat equipment including rollers with braking devices to control the speed of the rollers (col. 2, lines 45-53).

Zulauf (U.S. Patent 3,557,925) discloses a braking device for controlling the speed of a roller or rollers. The device includes means 14 for providing a torque which can be transferred onto a roller 4a by means of transfer devices 12, 16, 18, 20, 22 characterized in that the transfer devices allow a slip (i.e., via the hydraulic fluid) between the roller 4a and the devices or means 14 for providing a torque, wherein the transfer devices include a location (i.e., within pump 16) at which the torque is transferred using a force-fit connection with a hydraulic coupling (i.e., col. 2, lines 9-37), and wherein there are several transfer devices or the transfer device transfers torque to several rollers (i.e., col. 2, lines 15-22).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the braking device(s) of either WO 03/016023 or Sensen et al. (U.S. Patent 5,912,022) with the braking device(s) of Zulauf (U.S. Patent 3,557,925) because such braking devices are art recognized alternatives for braking rollers and because the braking device of Zulauf (U.S. Patent 3,557,925) would enable braking by hydraulic fluid.

12. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over either WO 03/016023 or Sensen et al. (U.S. Patent 5,912,022) in view of Moritake (U.S. Patent 3,713,521).

If applicant does not agree that WO 03/016023 discloses the transfer devices, then WO 03/016023 discloses the apparatus substantially as claimed, as mentioned above.

Sensen et al. (U.S. Patent 5,912,022) discloses an installation (i.e., fig. 1) with lay-flat equipment including rollers with braking devices to control the speed of the rollers (col. 2, lines 45-53).

Moritake (U.S. Patent 3,713,521) discloses a braking device for controlling the speed of a roller. The device includes means 13c for providing a torque which can be transferred onto a roller by means of transfer devices, characterized in that the transfer devices allow a slip (i.e., more or less contact between elements 13a and 13c) between the roller and the means 13c for providing a torque, wherein the transfer devices include a location (i.e., between elements 13a and 13c) at which the torque is transferred using a force-fit connection with a friction coupling (i.e., between elements 13a and 13c), and wherein the coupling can be separated via a spring S, wherein elements 13a and 13c define first and second force flow surfaces which are turned towards one another and which define the force-fit connection, wherein the surface of the opposite overlap of the first and second force flow surfaces (i.e., the touching surfaces of elements 13a and 13c) defines the amount of the maximum torque transmission, and wherein the surface of the opposite overlap of the first and second force flow surfaces can be changed by a

relative movement of the first and second force flow surfaces (i.e., via the spring S), wherein the force-fit connection contains an electromagnet 13b, which is connected to a power controller M using which the current intensity in the coils of the electromagnet 13b and thus the field intensity generated by the electromagnet 13b can be changed.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the braking device(s) of either WO 03/016023 or Sensen et al. (U.S. Patent 5,912,022) with the braking device(s) of Moritake (U.S. Patent 3,713,521) because such braking devices are art recognized alternatives for braking rollers and because the braking device of Moritake (U.S. Patent 3,713,521) would enable braking using an electromagnet.

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dawson (U.S. Patent 4,170,624) and Upmeier et al. (U.S. Patent 4,682,941) are cited as of interest to show the state of the art.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Leyson whose telephone number is (571) 272-5061. The examiner can normally be reached on M-F 9AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gupta Yogendra can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JL

ROBERT DAVIS  
PRIMARY EXAMINER  
GROUP 1300, 700

10/2/06